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April 27, 2018

The Honorable Judge Steven I. Locke
United States Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: 2:17-cv-05606-SJF-SIL Plaintiff's Third Letter Motion for Extension of Time within Which to Effectuate Service on John Doe Defendant

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC ("Plaintiff"), moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity was initially only known by their Internet service provider ("ISP").

2. On October 1, 2017, Plaintiff filed its Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference ("Motion") in order to serve a third party subpoena on Defendant's ISP to obtain Defendant's identifying information. [CM/ECF 5].

3. Pursuant to Fed. R. Civ. P Rule 4(m), Plaintiff was required to effectuate service on the Defendant by no later than December 24, 2017. Because Plaintiff's Motion was pending at that time, on December 20, 2017, Plaintiff filed its First Letter Motion for Extension to Effectuate Service on John Doe Defendant ("First Letter Motion") [CM/ECF 7]. On December 22, 2017, the Court granted Plaintiff's First Letter Motion and extended the deadline to effectuate service through and including February 26, 2018.

4. Because Plaintiff's Motion was still pending as of February 26, 2018, Plaintiff filed its Second Letter Motion for Extension to Effectuate Service on John Doe Defendant ("Second Letter Motion") on February 26, 2018. [CM/ECF 9]. On February 27, 2018, the Court granted Plaintiff's Second Letter Motion and extended the deadline to effectuate service through and including April 27, 2018.

5. The Court granted Plaintiff's Motion for leave to serve a third party subpoena on Defendant's ISP on April 9, 2018. [CM/ECF 11]. Plaintiff served the subpoena on April 12, 2018 and expects to receive the ISP's response on or about August 30, 2018.

6. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the John Doe Defendant be extended an additional forty-five (45) days after August 30, 2018 (the date Plaintiff expects to receive the ISP response) and thus the deadline to effect service be extended to October 14, 2018.

7. This motion is made in good faith and not for the purpose of undue delay.

8. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the Defendant be extended until October 14, 2018.

Respectfully Submitted,

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